



General Assembly

January Session, 2009

Raised Bill No. 6555

LCO No. 3875

* _____HB06555ENVJUD031809_____*

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING THE HUMANE TREATMENT OF ELEPHANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section:

3 (1) "Circus" means a performance by a live animal, clown or acrobat
4 pursuant to a class C license issued in accordance with the provisions
5 of the Animal Welfare Act, 7 USC 2131 et seq., as amended from time
6 to time;

7 (2) "Person" means an individual, sole proprietorship, trust,
8 corporation, limited liability company, union, association, firm,
9 partnership, committee, club or other organization or group; and

10 (3) "Traveling show" means a circus, public show, trade show,
11 photographic opportunity, carnival, city or county fair, agricultural
12 fair, ride, parade, race, performance or a similar event at which
13 elephants do not permanently reside or that moves elephants to
14 different locations. A traveling show does not mean the transportation
15 of elephants for the purpose of obtaining required medical services for

16 such elephants or for the exchange of elephants between sanctuaries.

17 (b) (1) A person who houses, possesses, is in contact with or travels
18 with any elephant utilized in a circus or traveling show within the
19 state shall be guilty of harming an elephant when such person uses
20 any implement or device on an elephant that results in harm to the
21 elephant, including, but not limited to, damage, scarring or breakage
22 of such elephant's skin. Any person who uses an implement or device
23 for the purpose of shocking, poking, striking, hitting, stabbing,
24 piercing or pinching the skin of an elephant, including, but not limited
25 to, an electric prod, a bullhook, an ankus or other similar device, shall
26 be deemed to have harmed such elephant.

27 (2) A person who houses, possesses, is in contact with or travels
28 with any elephant utilized in a circus or traveling show within the
29 state shall be guilty of harming an elephant when such person uses a
30 chain or similar device to restrain an elephant. Nothing in this section
31 shall prohibit a person from restraining an elephant through the use of
32 an elephant restraint device or a chain to provide actual medical
33 treatment, to move an elephant in preparation for travel or to train an
34 elephant to become accustomed to a chain or similar device for
35 purposes of medical treatment or movement in preparation for travel,
36 provided the following conditions are met: (A) The chain or similar
37 device has appropriate padding designed to not injure the elephant,
38 (B) the elephant is not left unattended while restrained, and (C) the
39 restraint utilized for the shortest amount of time reasonably necessary
40 for its intended purpose.

41 (c) A person who houses, possesses, is in contact with or travels
42 with any elephant utilized in a circus or traveling show within the
43 state shall be guilty of possession of a device that may be used to harm
44 an elephant when such person possesses a device that is used,
45 purchased, contrived or constructed for the purpose of shocking,
46 poking, striking, hitting, stabbing, piercing or pinching the skin of an
47 elephant, including, but not limited to, an electric prod, a bullhook, an
48 ankus or other similar device. Nothing in this section shall prohibit a

49 person from possessing a device as described in this section if such
50 person does not house, possess, come in contact with or travel with an
51 elephant.

52 (d) Harming an elephant pursuant to subsection (b) of this section
53 shall be a class A misdemeanor. Each day such violation continues
54 shall be a separate and distinct offense.

55 (e) Possession of a device that may be used to harm an elephant
56 pursuant to subsection (c) of this section shall be a class B
57 misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

ENV

Joint Favorable C/R

JUD